

REMARKS

Claim Rejections – 35 USC § 112

Claims 1-16 were rejected under the basis that “one skilled in the relevant art at the time the application was filed did not have possession of the claimed invention.” Specifically, “the nozzle body member having a first non-adjustable restricted orifice” is alleged not to be disclosed in the application as originally filed. The applicant maintains that Figure 2 shows one embodiment of this limitation as element 36. Nevertheless, the applicant has reworded claim 1 and removed the “Non-adjustability” limitation from claim 1 to make the amended claim broader than it was narrowed to in response to previous office actions.

Now a “first” passageway which by way of example could equate for Section 112 purposes to passageway 48 described in paragraph 13 as originally filed and shown in Figure 1 is clearly defined and distinguished relative to the claimed by-pass passageway. Other first passageways could be provided in other embodiments. In fact, the added limitation requires that no flow through the by-pass passageway pass through the first passageway. No matter how the Hinchman reference is interpreted, it can’t meet this new limitation.

The second 112 issue relating to “the end” in line 6 has been addressed with the enclosed preliminary amendment.

Claim Rejections Under 35 USC § 102

Claims 1-16 were rejected as being anticipated by Hinchman. The Applicant respectfully disagrees, but has proposed new, and somewhat broader claim language with newly amended claim 1 which distinguishes the structure shown in Hinchman. Specifically, in Hinchman, flow can be regulated by moving regulator 24 up and down so that the slits 27 potentially allow more or less flow therethrough. All flow through the slits 27 must also pass through the sleeve bore

29. Furthermore all flow through the sleeve bore 29 ends up passing through the outlet 23. No other flow except flow through sleeve bore 29 passes through outlet 23.

By amending claim 1, a first passageway is now clearly claimed. A by-pass passageway is also claimed for which flow may, or may not, pass depending on the position of the adjustment member. Flow through the by-pass passageway does not flow through the first passageway as claimed in the second position. This distinguishes the Hinchman structure without providing a limitation for a "non-adjustable" orifice.

Conclusion

Accordingly, Hinchman does not anticipate or render obvious the claimed invention. As affected by the enclosed amendment, the claimed structure performs very differently than that of the structure shown in Hinchman. Accordingly, allowance of claims 1-16 is respectfully requested.

Respectfully submitted,

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